

BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA

In the Matter of the Petition)	
for Termination of Probation of)	
JOHN L. WERNER, M.D.)	N 14544
Certificate No. G 13437)	
Respondent.)	
_____)	

DECISION

This matter was heard on March 14 and July 25, 1980 before a hearing panel of the Fifth District Medical Quality Review Committee consisting of: Laura Anderson; Barbara Branson, M.D.; Francis Carr, R.P.; Grant Gauger, M.D.; and Thomas E. Richmond, M.D. and Chairman. Stewart A. Judson, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

The complainant was represented by David M. Galie, Deputy Attorney General.

John L. Werner, M.D., was present and was represented by Kenneth L. Freeman, Esq., 507 Polk Street, Suite 310, San Francisco, California 94102.

The panel unanimously makes the following decision:

FINDINGS OF FACT

I

John L. Werner, M.D. (respondent) was issued Physician and Surgeon Certificate No. G 13437 by the Board of Medical Quality Assurance (the Board) on July 12, 1967.

II

a) Effective November 4, 1977, respondent's certificate was revoked by decision of the Board. Respondent was permitted to resume the practice of medicine, under certain conditions, after undergoing a psychiatric examination which indicated that he was capable of practicing medicine.

b) Respondent was placed on probation to the Division of Medical Quality for a period of five (5) years and resumed the practice of medicine. Respondent was required to commence psychotherapy and remain under the supervision of a psychiatrist until such time as discontinuance of treatment is approved by the Division.

c) The Division found, after hearing, that respondent had "coldly and calculatingly engaged in a well-thought out plan to have his ex-wife...murdered by a professional killer for \$3,000.00."

III

On November 20, 1979, respondent filed a Petition for Termination of Probation with the Board.

IV

Respondent is board certified in radiology and nuclear medicine. Since December 1976, respondent has been employed as a physician in radiology and nuclear medicine at the City of Hope Medical Center in Duarte, California. On February 1, 1980, he was promoted to Acting Director of the hospital's Nuclear Medicine Department. He continues to render services in diagnostic radiology.

V

a) On March 15, 1979, respondent was promoted to the rank of Colonel in the United States Army Reserve.

b) In October 1979, respondent co-authored a chapter entitled "Lymph Node Metastases in Carcinoma of the Cervix" appearing in a book entitled Lymph Node Metastases. He has, in addition, served as a reviewer for the American Medical Writers Association.

VI

a) Respondent initially underwent a psychiatric examination, following the Board's decision, in October 1977. At that time, the psychiatrist recommended that respondent be permitted to continue the practice of medicine in a supervised and structured environment with continuing psychotherapy to deal with his impulsiveness.

b) Respondent thereafter commenced psychotherapy. He met with his therapist starting in May 1978 and for the past year has been in treatment four times per week.

c) Respondent has complied with all of the terms of his probation. He has not been involved in any malpractice actions. He and his ex-wife are cohabitating with their three children, ages 16, 14 and 12.

d) Respondent appears to be able to cope with the stress of daily life. There is no abnormality of mental content. There is no evidence of a mood disorder. His therapy has enabled him to gain insight into his psychological functioning and has helped him develop more mature responses to stressful situations. He has developed emotionally healthy relationships with his family.

VII

a) On August 31, 1976, in the Superior Court of San Bernardino County, respondent pleaded nolo contendere to one count of soliciting to commit a crime in violation of Section 653(f) of the Penal Code. Probation was granted for a period of three years, and respondent was ordered to pay a fine of \$1,600.00.

b) On October 19, 1979, respondent's plea of nolo contendere was set aside, and the case was dismissed in accordance with Section 1203.4 of the Penal Code.

VIII

Respondent intends to continue his therapy until such time as he is discharged by his therapist.

DETERMINATION OF ISSUES

Considering all of the evidence, it was established that termination of respondent's probation at this time would not be contrary to the public welfare.

ORDER

The Petition of John L. Werner, M.D., for Termination of Probation is granted.

DATED: 30 July 1980

This Decision shall become effective on AUGUST 15, 1980.

Thomas E. Richmond MD
THOMAS E. RICHMOND, M.D.
Chairman

TER:SAJ:map